

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes  
20/21 October 2005  
473rd Regular Board Meeting  
11020 Sun Center, Suite 200  
Rancho Cordova, CA 95670

**THURSDAY, 20 OCTOBER 2005**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Linda Adams, Kate Hart, Members.

**BOARD MEMBERS ABSENT**

Paul Betancourt

**STAFF PRESENT**

Tom Pinkos, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, David Coupe, William Croyle, Dennis Westcot, Wendy Cohen, Devra Lewis, Diana Messina,

**OTHERS PRESENT**

John Hewitt, Cal Farm Bureau  
Bill Jennings, CA Sportfishing Alliance  
David Cory, SJR Exchange Contractors  
Lloyd Fryer, Kern County  
Rick Landon, Yolo Sub Watershed  
Warren Tellefson, CVCWA  
Tess Dunham, Western Plant Health Assoc.  
Thaddeus Bettner, Westlands Coalition  
Michael Lozeau, DeltaKeeper  
Parry Klassen, East SJ Water Quality Coalition  
John Meeks, SJ & Delta Water Coalition  
John Church, GHH Engineering  
David Orth, Southern SJVWQC  
Diane Rathmann, SJVDA  
Roberta Firoved, CA Rice Commission  
Tacy Currey, Solano RCD  
Peter McGaw, TID  
Al Vargas, DFA  
Jeffrey Gibson, Sacto-Amador Water Alliance  
Bill Thomas, South SJWQC  
Tim Johnson, CA Rice Commission  
Alison Siegel, CA Citrus

Joseph McGahan, Westside Watershed  
Mark Rentl, DPR  
Aaron Ferguson, Sacto Valley Coalition  
Luella Anderson-Findlay  
Robert Gromm, Preston Avery  
Steven Baird, Preston Avery  
Kevin Kauffman, Stkn East Water District  
David Ritchie, Bear Valley  
Gail Delihant, Asm. Greg Aghazarian's office  
Deanne Meyer, UC Davis  
Curtis Lindskog, Shaw E & I  
Art O'Brien, City of Roseville  
Lorie McNamee  
Chad McNamee  
John McNamara  
Preston Avery  
Elizabeth McNamara  
Conn Findley  
Neal Colwell  
Dan Odenweller  
Bill Johnson

**EXECUTIVE OFFICER'S REPORT**

The Executive Officer pointed out a number of items to the Board:

- An ACL on the Humboldt Road Burn Dump has been issued and will be heard at the next Board meeting

- The ACL for construction stormwater violations at the Plumas County Subdivision has been settled for \$575,000.
- A number of items deal with CEQA reviews. Staff tries to capture an comment on the water quality issues in CEQA documents we receive.

Karl Longley noted the Wine Institute Study Report and hoped that the \$1 million+ report by the Wine Institute will not languish. If this study does not move forward, it will send the wrong message regarding voluntary efforts to study water quality issues.

## **BOARD MEMBER COMMUNICATIONS**

Karl Longley reported that he; Chairman Schneider and Mr. Brizard had attended the Water Quality Coordinating Committee meeting. He had also attended the Upper Kings River Water Forum meeting.

## **PUBLIC FORUM**

Deanne Meier thanked staff for their aggressive efforts in public outreach regarding the request for reports of waste discharge from dairies. Regional Board staff attended 24 meetings around the Region.

## **IRRIGATED LANDS**

### **Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region**

#### ***a. Workshop for Renewal of Conditional Waivers***

Wendy Cohen, Devra Lewis and Bill Croyle presented the staff report.

#### ***b. Information Report on Issues related to Coalition Group Membership Lists***

Diana Messina presented the staff report.

#### ***c. Tributary Rule – Consideration of Resolution Adding Information Sheet to Resolution No. R5-2003-0105***

Wendy Cohen presented the staff report.

Commenting on Items a. & b. & c. were John Hewitt, David Orth, Diane Rathman, Joe McGahan, Mark Rentz, Aaron Ferguson, David Cory, Lloyd Fryer, Rich Landon, Tess Dunham, Peter McGaw, Thaddeus Bettner, Mike Lozeau, Parry Klassen, Diane Rathman, Tim Johnson, John Meek, Bill Thomas, Allison Seagul, Bill Jennings, and This item was continued to the November 28/29 regular Board Meeting.

## **NPDES PERMITS**

### ***City of Roseville, Master Reclamation Permit, Placer County - Consideration of Amendment of Reclamation Permit to Implement Conditional Settlement of Lawsuit***

A public hearing was held. Ken Landau presented the staff report. No one appeared to contest the proposed order.

**97-147-A02**

**MOTION:** By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

**Bear Valley Water District, Alpine County – Consideration of New NPDES Permit and Time Schedule Order**

Anand Mamidi and Greg Vaughn presented the staff report. Additional testimony was presented by Neal Colwell, David Richie and Kevin Kaufman

**R5-2005-0139** MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed NPDES order. Unanimously approved.

**R5-2005-0140** MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed Time Schedule order. Unanimously approved.

**Preston And Lois Avery, Contra Costa County – Consideration of Resolution approving Cleanup And Abatement Order No. R5-2005-0711**

A public hearing was held. George Day presented the staff report. Additional testimony was presented by Steven Baird, Preston Avery, and John McNamara,

**R5-2005-0142** MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed resolution. Unanimously approved.

**The meeting was continued at 5:30 p.m. to the Friday session.**

**FRIDAY, 21 OCTOBER 2005**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Linda Adams, Kate Hart, Members.

**BOARD MEMBERS ABSENT**

Paul Betancourt and Christopher Cabaldon

**STAFF PRESENT**

Tom Pinkos, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, David Coupe, Steve Blum, Dennis Westcot, Dave Carlson, Greg Vaughn, John Russell, Robert Reeves, Patrick Morris, Jon Ericson, Jerry Bruns, Diane Beaulier,

**OTHERS PRESENT**

Bill Jennings, CA Sportfishing Alliance  
David Cory, SJR Exchange Contractors  
Maria Rea, U.S. EPA  
Michael Flynn, Sutter Gold Mine  
Don Bradshaw, Lincoln Center Trust  
Hal Huron, Sutter Gold  
Stacy Rhoades, Sutter Gold  
David Cochrane, Golder Assoc.  
Mark Adams, Lincoln Center Trust  
Nick Pinhey, City of Tracy  
Melissa Thorme, City of Tracy

Tom McGowan, Con Agra  
Kevin O'Dea, Yolo County  
Petrea Marchand, Yolo County  
Max Stevenson, Yolo County  
Maria Wong, Yolo County  
Stephen McCord, Caltrans  
Jan Lowrey, Cache Creek  
Becky Wood, Teichert  
Tom Maurer, US Fish & Wildlife  
Vicki Fry, Sacto Regional

## **BOARD MEMBER COMMUNICATION**

Karl Longley reported that he had attended a 30 September meeting with Hilmar Cheese to discuss possible Supplemental Environmental Projects. The substance of the case was not discussed.

## **PUBLIC FORUM**

Bill Jennings commented on the following:

- Mr. Cabaldon's comments from the previous day regarding the need for Regional Board staff to maintain a high level of professionalism are correct, but the Board members need to be aware that staff is subject to constant abuse and criticism.
- He heard a parade of lies is the Ag waiver workshop. There is need for testimony subject to cross-examination to clarify the record.
- Penn Mine is an instructive lesson in collaboration with those being regulated that led to prolonged litigation. The alleged collaboration with Hilmar Cheese has led to most of the current problems.

## **OTHER BUSINESS**

Tom Pinkos reported that Calaveras County had announced that the Penn Mine property was to be put for sale for back taxes. Mr. Pinkos recommend that the Board send a letter opposing the sale due to potential impacts on the site. The Chair directed that a letter be sent.

## **Board Meeting Calendar for 2006**

The Board received the Board Meeting calendar for 2006 and will review and vote on it at the November Board Meeting.

## **UNCONTESTED CALENDAR**

### ***City of Tracy, Wastewater Treatment Plant, San Joaquin County - Consideration of Administrative Civil Liability Supplemental Environmental Project***

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Longley, seconded by Mr. Schneider to approve the proposed ACL Supplemental Environmental Project. Unanimously approved.

### ***Visalia Medical Clinic, Inc., Tulare County – Consideration of NPDES Permit and Time Schedule Order***

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed NPDES order. Unanimously approved.

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed Time Schedule order. Unanimously approved.

### ***Kraft Foods Inc., Visalia Plant, Tulare County – Consideration of NPDES Permit and Time Schedule Order***

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0149**

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed NPDES order. Unanimously approved.

**R5-2005-0150**

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed Time Schedule order. Unanimously approved.

**State of California Department of Corrections, Deuel Vocational Institution, Wastewater Quality Control Facility, San Joaquin County – *Consideration of Resolution Amending NPDES Permit and Adoption of New Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0151**

MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed NPDES Permit. Unanimously approved.

**R5-2005-0152**

MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed Cease & Desist Order. Unanimously approved by role call vote.

**Oakwood Lake Water district and Beck Properties, Oakwood Lake Subdivision Mining Reclamation Project, San Joaquin County – *Consideration of NPDES Permit Renewal and Time Schedule Order***

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0153**

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed NPDES Permit renewal. Unanimously approved.

**R5-2005-0154**

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed Time Schedule Order. Unanimously approved.

**NPDES PERMITS**

**Uncontested NPDES Permits**

United States Department of the Air Force, Former McClellan Air Force Base, Ground Water Extraction & Treatment System (GWTS), Sacramento County  
United States Department of the Interior, National Park Service, Yosemite National Park, Wawona  
Wastewater Treatment Facility (WWTF), Mariposa County  
Southern California Edison Company, Big Creek Powerhouse No. 1 Domestic Wastewater Treatment Plant, Fresno County

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed orders. Unanimously approved.

## **WASTE DISCHARGE REQUIREMENTS**

### **Uncontested Change of Name and/or Ownership**

Cisco Gas and Food, AKS International, Inc., Placer County  
RBT Properties, LLC, Monson Facility, Fresno County  
CC Water Acquisition Company, L.L.C., Danone Natural Spring Water Bottling Facility, Siskiyou County  
Corman Communities, Inc, Cool Village Wastewater Treatment Facility, El Dorado

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0157** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed order. Unanimously approved.

### **Uncontested Rescissions**

Franco-Western Oil Company, Norris-Drilexco-Hand Lease, Dagany Lease, Pyramid Hills Oil Field, Kings County  
Standard Oil Company of California, 7Y Lease, Section 17 Lease, Davis Smith Lease, Pyramid Hills Oil Field, Kings County  
Former Windwood Dairy (William Murphy), Sacramento County  
Midway Sunset Cogeneration Company, Western Midway Sunset Power Project, Kern County

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0158** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed order. Unanimously approved.

### **Uncontested Waste Discharge Requirements**

Jerry G. Brassfield, Brassfield Estate Winery, Lake County **R5-2005-0159**  
Clayton Regency, LLC, Clayton Regency Mobile Home Park Wastewater Treatment Facility, Contra Costa County **R5-2005-0160**  
City of Colfax, Colfax Landfill, Class III Landfill, Closure, Post-Closure Maintenance and Corrective Action, Placer County **R5-2005-0161**  
County of Kern, for Closure, China Grade Sanitary Landfill, Kern County **R5-2005-0162**  
Howard E. Caywood, Inc., Section 19 & 24 Leases, Midway-Sunset Oil Field, Kern County **R5-2005-0163**  
Sutter Gold Mining Company, U.S. Energy Corp, Property Owners, Lincoln Mine Project, Construction of Waste Piles and Expanded Mining Operations, Amador County **R5-2005-0164**

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed orders. Unanimously approved.

## **CONTESTED CALENDAR**

### **ENFORCEMENT**

**Hilmar Cheese Company, Inc., Merced County - Consideration of either a Settlement Agreement or the Re-scheduling of a Hearing on the merits of the proposed Administrative Civil Liability Complaint**

Steve Blum, legal counsel for the adjudicatory team reported that both the prosecution and the discharger representatives had contacted the adjudicatory team at the end of the day preceding day. The parties

represented that they had reached a "settlement in principle, but needed more time to complete all of the details of the settlement. The parties jointly requested, and the Chairman granted, a postponement of the hearing until the next scheduled Board Meeting, at which time they hoped that they would have a completed settlement for the Board's consideration. The parties could not divulge any of the terms at that time, but that they represented to the adjudicatory team that the "settlement in principle" included a "substantial" penalty and a "substantial" SEP.

**Dixon Commercial Properties, Monfort, Inc., Con Agra Foods, Inc. and Greynom, Inc., Solano County –Consideration of a Cleanup and Abatement Order**

A public hearing was held. Robert Reeves presented the staff report. Additional testimony was given by Fred Blum and Thomas McGowan, Tom Mauer, Vicky Frye, Petrea Marchand, Maria Wong, Bill Jennings, Jan Lowery, Becky Wood and Kevin O'Day.

**R5-2005-0141** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed Cleanup & Abatement order. Unanimously approved.

**Lincoln Center Environmental Remediation Trust, Groundwater Treatment System, San Joaquin County – Consideration of Adoption of Proposed Amendment and Filing of a Draft Environmental Document**

A public hearing was held. Jon Ericson presented the staff report.

**R5-2005-0144** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed amendment. Approved with Mr. Brizard abstaining.

**R5-2005-0145** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the filing of the Draft Environmental Document. Approved with Mr. Brizard abstaining.

**BASIN PLANNING**

**Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Diazinon and Chlorpyrifos Runoff into the Lower San Joaquin River – Consideration of Adoption of Proposed Amendment and Filing of a Draft Environmental Document**

A public hearing was held. Joe Karkoski and Diane Beaularier presented the staff report. Additional testimony was given by Maria Rea, David Cory, and Bill Jennings

**R5-2005-0141** MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

**The September minutes were approved as written with new Members Linda Adams and Kate Hart abstaining.**

**The meeting was adjourned at 3:10 p.m. to the November 28/29 regular Board meeting.**